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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Le Pont, ABC Tamil Oli, Action of Human Movement (AHM), Alliance Creative Community Project, Association Bharathi Centre Culturel Franco-Tamoul, Association Burkinabé pour la Survie de l'Enfance, ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE, Association des étudiants tamouls de France, Association Mauritanienne pour la promotion du droit, Association pour les Victimes Du Monde, Association Solidarité Internationale pour l'Afrique (SIA), Association Thendral, Integrated Youth Empowerment - Common Initiative Group (I.Y.E. – C.I.G.), L'observatoire mauritanien des droits de l'homme et de la démocratie, Society for Development and Community Empowerment, Tamil Uzhagam, Tourner La Page, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Civil And Political Rights Abuses In Spain, And Specially In Catalonia*

In Spain, civil and political rights are not being duly respected, and several groups and individuals are suffering violations of such rights.

This written statement focuses on situations occurred in September and October 2017, when Spanish citizenship suffered persistent violations of their rights by authorities and public institutions and bodies, mainly in Catalonia, but also in some cities of the Kingdom of Spain.1

Incidents related to civil and/or political rights violations include physical and psychological assaults, as well as inhuman and degrading treatment, with severe use of force, by Spanish law enforcement services against peaceful civil population -particularly against peaceful assemblies of civilians who wished to exercise their right to cast their vote at the referendum on Catalonia's independence on the 1st October, with the result of 1066 injured people (following a violent standardised and systematised pattern deployed all over Catalonia)- ignoring recommendations made by several UN Special Rapporteurs to Spain on this regard on the 28th September 2017. 2

There have also been attacks on privacy by means of breaking and entering in private homes without legal guaranties, or violation of postal and electronic mailing, right to free assembly, freedom of expression, freedom of information, and communication and broadcast of ideas; and to freedom of the press.

Moreover, during the referred and following months of 2017 up to present, there have been attacks to effective judicial protection, to the right of due defence and to no-defencelessness, to a fair and equitable trial, to the independence of judges and to separation of powers, as well as an abuse of pre-trial detention, as stated by the Hight Commissioner on Human Rights on the 37th session of the Human Rights Council. 3

All of these incidents have taken place in an environment of political procedures known as "lawfare" (extra-legal, undue, extra-limited or abusive use of judicial resources by means of political persecution, as well as political use of legal instruments), "extraordinary rendition" and other similar police, administrative and extra-legal parajudicial procedures, or to avoid to enforce international and national laws directly related to human right issues.

_____ and the other organisations that give support to this statement4 are worried at the lack of legal security and non-observance of criminal principles of minimal intervention and *ultima ratio*, coming from the Spanish Public Prosecutor's Office , the Spanish Law Enforcement Services and the Spanish Government against a potentially high number of Catalan citizens (including the Catalan Government, members of the Board of the Catalan Parliament, more than 750 elected Majors of Catalan cities, and many other political and social groups and leaders.

There is no knowledge that the Spanish Government has informed other countries that signed the International Covenant on Civil and Political Rights through the Secretary General of the United Nations, of a suspension of rights,

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1 Two reports and videos gathering violations of civil and political rights:
http://www.lafede.cat/wp-content/uploads/2018/03/1stOct_human_rights_report.pdf , http://www.lafede.cat/es/somdefensores-registre-de-material-audiovisual-1-o/,
http://collectiupraga.cat/wp-content/uploads/2018/04/Ampliaci%C3%B3-den%C3%BAncia-10-04-18.-Angl%C3%A8s.pdf

2See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22176&LangID=E(last check 24/5/2018)

3See http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22772&LangID=E (last check 23/5/2018), M.Zeid Ra'ad Al Hussein, 7th March 2018

4Catalan NGOs ACDC, NOVACT y HRCat

of the human rights provisions that were intended to be suspended nor reasons for said suspension, all of this as required by article 4.3 of the International Covenant on Civil and Political Rights to which the Kingdom of Spain is a party.5

All of these signs and many other, give account on the deterioration of the country's democracy.

Examples of violations of the right to freedom of peaceful assembly 6 in September 2017

12th September. A Judge of a Spanish High Court in Madrid 7 (Juzgado de lo Contencioso-Administrativo, translated as Contentious-Administrative Court) banned an event scheduled on a public venue of the City Council of Madrid 8 under the slogan "*Madrid for the right to decide*" (event conceived as a debate of ideas on the right to decide on public issues, its limits and scope 9. The organizers were forced to move the event to a private venue of lower capacity that resulted in an overcrowded event that left many people outside on the street 10. The rights of organizers, participants and the audience were violated, so was the principle of "*favor libertatis*" that protected them all.

14th September. The City Council of Gijón revoked the authorization initially granted to the organizers and prohibited a debate entitled "Catalonia: from the transition to the referendum", an event that sought to discuss a current topic.

15th September. A Contentious-Administrative Court of Vitoria-Gasteiz banned an event about political issues at Aldabe civic center in the Alaba province capital 11.

20th September. Several police agents from separate corps requested identification and took photographs of people attending spontaneous or organized political rallies 12.

21st September. Zaragoza's Provincial Council banned a public event at Pignatelli School in Zaragoza that bore the title "National assembly of deputies and mayors for freedom of expression, fraternity and dialogue"13. This ban was issued following the one issued by Contentious-Administrative Court No. 3 of Madrid, previously referenced. Finally, the event could be held in a sporting venue in Zaragoza, where participants, media and attendees were harassed and insulted by neo-fascist demonstrators, that also assaulted with a blunt object the Speaker of the Parliament of Aragón, Ms. Violeta Barba 14, apparently as a result of the lack of security, due to the absence of police officers, that were mostly deployed in Catalonia.

27th September. The City Council of Barcelona denied a request for a public event requested in due time by a private Community Organization scheduled for September 27. Said refusal was notified on September 27, 2017, based on a resolution by the Constitutional Court of Spain issued on September 7, 2017, so that the City Council argued that it was

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5 http://www.ohchr.org/SP/ProfessionalInterest/Pages/CCPR.aspx (last check 23/5/18)

6 Art 20 of the UNHUD; art.21 of ICCPR art 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe; art 21 of the Spanish Constitution.

7 See https://assets.documentcloud.org/documents/3991035/ CCI12092017-00000.pdf (last check 13/10/18).

8 Contentious-Administrative Court of Madrid nº 3, Edict of 12th September 2017, which ordered to call off the event by petition filed by the Municipal Grupo Popular of the City of Madrid.

9 See https://politica.elpais.com/politica/2017/09/13/ actualidad/1505327014_625102.html ,(last check 13/10/2017).

10 See http://www.lavanguardia.com/politica/20170917/431363055967/madrid-acto-derecho-decidir-referendum-joan-tarda-lavapies-teatro-barrio.html (last check 23/5/2018)

11 See http://www.poderjudicial.es/cgpj/es/Poder-Judicial/Noticias-Judiciales/Un-juez-de-Vitoria-prohibe-la-cesion-de-un-local-municipal-para-un-acto-de-promocion-del-referendum-del-1-O, (last check 23/5/2018)

12 See http://www.rac1.cat/info-rac1/20170918/431386863052/ expedientat-un-policia-de-sitges-que-va-agafar-per-la-forca-un-mobil-a-un-periodista.html, (last check 23/5/2018), and also: http://elmon.cat/noticia/232314/policia-espanyola-identifica-assistents-manifestacio-puerta-del-sol (last check 23/5/2018)

13 See http://www.eldiario.es/politica/Diputacion-Zaragoza-convocada-Unidos-Podemos_0_689081887.html (last check 23/5/2018)

14 See http://www.publico.es/politica/grupo-ultras-obliga-bloquear-puertas-asamblea-unidos.html (last check 23/5/2018)

a political event related to propaganda for the referendum, according to information gathered from social networks, as stated in the refusal notice.

On its side, The City Council of Sueca denied authorization for a public event requested by a youth political organization, scheduled for September 27th .

1st October. The Spanish Government Delegation in Extremadura denied administratively the request by the Student Council of Badajoz (and other entities) for a public event of support of the victims of police attacks on October 1, 2017 in Catalonia while being peacefully assembled.

For all these reasons, sensitive to human rights abuses, We urges the Government of Spain:

a) to extend a personal invitation for a country visit to any Special Rapporteur that may ask one -and, in any case to those listed on page 51 of the first report referenced in note 1.

b) to stop hindering the free exercise of civil and political rights and freedoms included in binding international instruments for Spain, and to take all necessary steps before any attempts to limit o restrict them.

c) to allow an independent international inquiry on the violation of mentioned civil and political rights.

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*Associació Catalana pels Drets Civils, (Catalonia) NOVACT – International Institute for Nonviolent Action (Catlonia) Human Right CAT (Catalonia), Association Le Collectif La Paix au Sri Lanka (France), Association pour le Droit de l'Homme et le Développement Durable (France), Association internationale des Droits de l'Homme de Bourgogne (AIDHB) (France), Association Jeunesse Etudiante Tamoule (J.E.T.) (France), L'Association Mondiale des Droits de l'Homme (A.M.D.H) (Suisse), Association international des Droits de l'Homme (France), Tamil Movement (Suisse), Collectif des Droits Humains (France), May 17 Movement (Tamil Nadu), Marumalarchi Dravida Munnetra Kazhagam-MDMK (India) ; Naam Tamilar (India), Thamizhaga Ilaignar Munnani (India), Thamizhga Uzhavar Munnani (India), Thamizh Thesiya Periyakkam (India), People's Union for Civil Liberties (India), Thamizh Thesiya Periyakkam (India), Federation of Students – Youths for Tamil Rights (India), Association des Jeunes Musulman contre le Genocide (India), Tamil Kalaikoodam LTD (India), Green Tamilnadu Party (India), Tamil Nadu Vanigar Sangankalin Peravai (India), Cauvery Protection Movement (India), NGOs without consultative status, also share the views expressed in this statement.